

U.S.S.N. 10/656,586

Remarks

Thorough examination by the Examiner is noted and appreciated.

The claims have been amended.

No new matter has been added.

For example, support for the amendments is found in the originally and previously presented claims, the Figures (including Figure 2), and in Specification (note reference is to published version of Specification 2005/0050708):

[0007] A typical conventional **CVD (chemical vapor deposition) system** is illustrated schematically by reference numeral 10 in FIG. 1. The CVD system 10 generally includes an enclosure assembly 6, having a vertically-movable wafer support pedestal 12 disposed beneath a showerhead 30, through which process gases **enter a vacuum chamber 15**. A pumping plate 17 may extend around the wafer support pedestal 12 for discharging process gases and other plasma residue from the chamber 15 and into a pumping channel 14 partially circumscribing the chamber 15, as indicated by the arrows 21.

[0033] It will be appreciated from a consideration of FIG. 2 that **each showerhead fastener opening 54 in the showerhead 44 is substantially sealed off from the chamber interior 42 by abutment of the showerhead 44 against the chamber wall 38**. Consequently, the exterior fasteners 56 extend into the showerhead 44 in such a manner that each of the exterior fasteners 56, as well as the regions of the showerhead 44 which contact the exterior fasteners 56, is substantially isolated from the chamber interior 42 in which processing of the wafer 50 is carried out. Accordingly, particles generated by friction between the showerhead 44 and the threaded shank 60, induced by thermal expansion and contraction

U.S.S.N. 10/656,586

cycling of the showerhead 44 during processing, are incapable of inadvertently falling into the chamber interior 42 and contaminating a wafer 50 being processed therein.

Claim Rejections under 35 USC 103

1. Claims 1, 2, 21-28, and 31-34 stand rejected under 35 USC 103(a), as being unpatentable over Masuda et al. (US PUB 2002/0000197) in view of Schriever (US 4,085,661), and Ohta (US 4,526,132).

Masuda et al. describes a shower plate 12, Figure 2, "installed in the vacuum vessel 10 near the ceiling". Figure 2 shows a schematic representation of a showerhead 12 that is described as "having small holes so that the raw material gas introduced into the gas storing chamber 18 passes through the small holes of the shower plate 12 and sprayed into the reactor chamber" (see paragraphs 0088, 0111, 0121).

Masuda et al. also describes a lift shaft installed airtight to penetrate the bottom plate of the vacuum vessel 10 (see paragraph 0060).

Masuda et al. nowhere suggests or discloses how the showerhead 12 is installed. Masuda et al. nowhere describes that

U.S.S.N. 10/656,586

the showerhead engages the chamber wall or if a confinement structure is used to direct the gas from the gas storage space 18 through the showerhead. In any event, assuming *arguendo* that **one may conclude from the schematic shown** in Masuda et al. that the **showerhead engages the chamber wall**, as Examiner argues, Masuda et al. nowhere suggests or discloses how the showerhead 12 is installed.

Masuda et al. fail to disclose the following elements of the instantly claimed invention including those elements in **bold type**:

e.g., with respect to claim 1:

"a plurality of exterior fasteners extending from an exterior of said process chamber through and penetrating completely through said chamber wall into said showerhead with an exterior portion of said plurality of exterior fasteners physically separated from said chamber interior to prevent said particle contamination from said fasteners to said chamber interior;

wherein said showerhead comprises a plurality of fastener openings in said lateral surface of said showerhead each one of said fastener openings arranged to receive one of a corresponding

U.S.S.N. 10/656,586

one of said plurality of exterior fasteners, each of said openings substantially sealed off from the chamber interior by abutment of the showerhead against the chamber wall."

The **absence of any disclosure** as to how the shower plate of Masuda et al. is mounted or supported **does not disclose any mounting requirement by Masuda et al.** and such absence of disclosure **provides no motivation to modify Masuda et al.** Rather, the only apparent motivation appears to be Applicants disclosure, which is impermissible according to current law.

Indeed, the shower plate of Masuda et al. is likely mounted in the chamber interior to present the very problem Applicants have described and solved in their disclosure:

[0012] A common characteristic of a conventional CVD system, as well as other types of semiconductor processing systems extensively used in the semiconductor fabrication industry such as PVD (physical vapor deposition) chambers, etching chambers and ashing chambers, **for example, is that the showerhead on the interior of the chamber is mounted in place using screws or other fasteners which protrude beyond the interior surface of the showerhead. The region of the showerhead surrounding the fastener tends to become damaged by thermal expansion cycling or plasma arcing, and this causes the accumulation of particles in the damaged area.** It has been found that mounting the showerhead in place using fasteners which are embedded in the surface of the showerhead or extend from the process chamber exterior, through the wall of the chamber and into the showerhead significantly reduces thermal cycling damage which may otherwise facilitate the accumulation of contaminating particles thereon.

U.S.S.N. 10/656,586

Masuda et al. nowhere recognizes or suggests a solution to the problem that Applicants have recognized and solved by their claimed invention.

Examiner argues that the motivation for modifying Masuda et al. is "to provide a method of mounting the showerhead of Masuda et al. (i.e., an interior part having a lateral surface engaging the chamber wall) as required by Masuda et al. but not described and as taught by Ohta".

However, as noted above, **the absence of any disclosure** as to how the shower plate of Masuda et al. is mounted or supported does not disclose or suggest any particular mounting requirement by Masuda et al.

In addition, Ohta nowhere discloses a method that would work to support the shower plate of Masuda et al., and furthermore, the method of Ohta which teaches mounting of a device (discharger 37) on a flange with a screwing bolt where the screwing bolt remains exterior to the chamber does not produce the missing elements of Applicants invention including:

"a plurality of exterior fasteners extending from an exterior of said process chamber completely through said chamber

U.S.S.N. 10/656,586

wall into said showerhead, with an exterior portion of said plurality of exterior fasteners **physically separated from said chamber interior** to prevent said particle contamination from said fasteners to said chamber interior."

For example, Ohta discloses a discharger 37 mounted on a flange 39 (see Figure 2, 3 and 4) where holes 51 are provided so that a **screwing bolt 52** can be screwed through the hole 51 (col 3, lines 55-60; col 4; lines 12-23), to **penetrate and extend through a lip of the protrusion tube 30a to remain exterior to the chamber**; i.e., the bolt 52 does not extend completely through the chamber wall (see Figures 3 and 4).

i.e., "Flange 39 is fixed to protrusion tube 30A of bell jar 30 by **screwing bolt 52 into screw hole 51**, so that opening 53 of protrusion tube 30A can be sealed. At this time, a sealing member such as rubber made O-ring 55 is fitted in a ring-shaped groove which is formed on the inner surface of flange 39, and thus protrusion tube 30a and flange 39 are fixedly joined to be airtight" (see col 4, lines 12-19).

In further contrast, Examiner cites Schriever where a **hydraulic cylinder head (not a vacuum chamber)** with penetrating bolts is described. Examiner refers to "lateral fasteners 8 extending through the cylinder wall 3 and attaching an arcuate locking segments 4. Each fastener includes a fastener head and a threaded shank, and the fasteners are structurally isolated from

U.S.S.N. 10/656,586

the chamber interior." See Figures 1 and 4.

More specifically, Schriever discloses:

"To assist in the assembly and disassembly of the hydraulic cylinder head, each locking segment 4 is provided with a **bolt 8 which passes through a clearance hole in the cylinder wall and threads into a hole in the locking segment 4**. This bolt 8 serves as a means of drawing the locking segments 4 into the grooves 5 and of tapping them loose." (col 4, lines 50-54).

Schriever refers to a cylinder head while Examiner asserts that the **cylinder wall forms a chamber** and bolts are described that **penetrate the cylinder wall** and where Schriever describes a structure and method **that is unrelated to the problem of supporting a shower plate within a vacuum chamber**, therefore describing non-analogous art. Moreover, Applicants do not instantly claim what Examiner asserts Schriever discloses.

Moreover, attaching the showerhead of Masuda with the technique of Schriever (bolt penetrating into a solid cylinder wall) would not produce the instantly claimed invention including:

"a plurality of exterior fasteners extending from an exterior of said process chamber completely through said chamber wall into said showerhead with an exterior portion of said

U.S.S.N. 10/656,586

plurality of exterior fasteners physically separated from said chamber interior to prevent said particle contamination from said fasteners to said chamber interior;

wherein said showerhead comprises a plurality of fastener openings in said lateral surface of said showerhead each one of said fastener openings arranged to receive one of a corresponding one of said plurality of exterior fasteners, **each of said openings substantially sealed off from the chamber interior by abutment of the showerhead against the chamber wall."**

Examiner states that "it has been held that applying a known technique to a known device ready for improvements to yield a predictable result is obvious (see KSR International Co. V. Teleflex, Inc). Examiner cites no support for such interpretation of KSR International Co. Indeed, the quoted language appears to be mistaken. Rather, the language issued by KSR International Co. is " **The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results."** However, KSR International Co. also makes clear that the traditional Teaching-Suggestion-Motivation) test motivation of *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966) as outlined in the MPEP is not changed by their ruling in KSR International Co.

U.S.S.N. 10/656,586

"Neither the enactment of §103 nor the analysis in *Graham* disturbed this Courts earlier instructions concerning the need for caution in granting a patent based on the combination of elements found in the prior art. For over a half century, the Court has held that a patent for a combination **which only unites old elements with no change in their respective functions** . . . obviously withdraws what is already known into the field of its monopoly and diminishes the resources available to skillful men.. *Great Atlantic & Pacific Tea Co. v. Supermarket Equipment Corp.*, 340 U. S. 147, 152 (1950). This is a principal reason for declining to allow patents for what is obvious. **The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.**"

Examiner has nowhere shown that Applicants claimed technique of **attaching showerheads in a vacuum chamber through fasteners extending completely through a chamber wall into fastener openings substantially sealed off from the vacuum chamber interior** is a known technique and nowhere shows in the prior art a recognition of the problem or a solution to the problem that Applicants have recognized and solved by their invention:

"An apparatus to reduce particle contamination to a semiconductor device process vacuum chamber interior by thermal cycling of fasteners".

Rather, Examiner, under current MPEP guidelines is required to evaluate the invention **as a whole**:

U.S.S.N. 10/656,586

**DISCOVERING SOURCE/CAUSE OF A PROBLEM
IS PART OF "AS A WHOLE" INQUIRY**

"[A] patentable invention may lie in the discovery of the source of a problem even though the remedy may be obvious once the source of the problem is identified. This is part of the 'subject matter as a whole' which should always be considered in determining the obviousness of an invention under 35 U.S.C. § 103." *In re Sponnoble*, 405 F.2d 578, 585, 160 USPQ 237, 243 (CCPA 1969). However, "discovery of the cause of a problem . . . does not always result in a patentable invention. . . . [A] different situation exists where the solution is obvious from prior art which contains the same solution for a similar problem." *In re Wiseman*, 596 F.2d 1019, 1022, 201 USPQ 658, 661 (CCPA 1979) (emphasis in original).

Moreover, the modification of the showerhead of Masuda et al. with Ohta and Schriever nowhere discloses or suggests the following elements of Applicants invention including those elements in **bold type**:

"a plurality of exterior fasteners **extending from an exterior of said process chamber completely through said chamber wall into said showerhead** with an exterior portion of said plurality of exterior fasteners physically separated from said chamber interior to prevent said particle contamination from said fasteners to said chamber interior;

wherein said showerhead comprises a plurality of fastener

U.S.S.N. 10/656,586

openings in said lateral surface of said showerhead each one of said fastener openings arranged to receive one of a corresponding one of said plurality of exterior fasteners, **each of said openings substantially sealed off from the chamber interior by abutment of the showerhead against the chamber wall.**"

Since Masuda et al., as modified by either or both Schriever or Ohta et al. do not disclose or suggest the elements of Applicants independent claims, neither are the elements of Applicants dependent claims suggested or disclosed, such elements supporting patentability on their own merits.

2. Claims 3, 5, 29, 30, 35 and 36 stand rejected under 35 USC 103(a), as being unpatentable over Masuda et al., in view of Schriever and Ohta, above, and further in view of Lilleland et al. (US 6,073,577).

Applicants reiterate the comments made above with respect to Masuda et al., Schriever, and Ohta.

Even assuming *arguendo* a proper motivation for modifying the reaction chamber of Ohta based on the teachings of Lilleland et al., the fact that Lilleland et al. disclose a **showerhead electrode (10) and one or more baffle plates (22)** above the

U.S.S.N. 10/656,586

showerhead electrode (10) and a confinement ring (17) (Figure 1), and **nowhere suggests or disclose how the showerhead electrode or showerhead electrode assembly is mounted in a process chamber,** such modification does not further help Examiner in producing Applicants invention.

In addition, it is noted that modifying Masuda et al. with the confinement ring of Lilleland et al. **would ensure that the showerhead of Masuda et al. would not engage the reactor walls,** as the confinement ring of Lilleland et al. or dielectric annular ring 18 (**being exterior to the shower head 10**) would engage the chamber walls (see col 2, lines 49-54) in the modified structure of Masuda et al., thus further ensuring that such modification would not produce Applicants invention.

A prior art reference must be considered in its entirety, i.e., as a whole including portions that would lead away from the claimed invention." *W.L. Gore & Associates, Inc., Garlock, Inc.*, 721 F.2d, 1540, 220 USPQ 303 (Fed Cir. 1983), cert denied, 469 U.S. 851 (1984).

Conclusion

The cited references, either individually or in combination, do not provide or suggest the elements of Applicants instantly

U.S.S.N. 10/656,586

claimed invention, and are therefore insufficient to make out a *prima facie* case of obviousness.

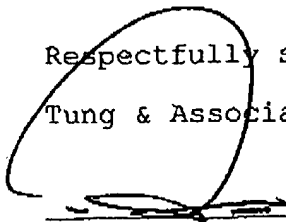
The Claims have been further amended. A favorable reconsideration of Applicants' claims is respectfully requested.

Based on the foregoing, Applicants respectfully submit that the Claims are now in condition for allowance. Such favorable action by the Examiner at an early date is respectfully solicited.

In the event that the present invention as claimed is not in condition for allowance for any reason, the Examiner is respectfully invited to call the Applicants' representative at his Bloomfield Hills, Michigan office at (248) 540-4040 such that necessary action may be taken to place the application in a condition for allowance.

Respectfully submitted,

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